

Oneida Tribe of Indians of Wisconsin

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Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States, was made possible



INFORMATIONAL MEETING

FRIDAY, OCTOBER 9, 1992

Present: Rick Hill-Chairman, Deborah Doxtator-Vice Chairperson, Loretta V. Metoxen-Treasurer, Amelia Cornelius-Secretary, Julie Barton, Mark Powless, Shirley Hill-Council Members

Excused: Lloyd Powless-Travel; Russell Metoxen-Vacation

OEI: Loretta Webster, Yuma Thomas, Lee Ninham, Lee McLester

Others: Art Skenandore, Ben Laird, Bobbi Webster, Jackie Smith, Jackie Wilber, Bruce King, Attorney Francis R. Skenandore, Attorney Gerald L. Hill

ORTEK: Wayne Skenandore, Glen Moses, Ray Sooner, John Wallace, Marcia Kuehl.

PRAYER: Offered by Deborah Doxtator

1. Art Skenandore - Assessments of issues surrounding ORTEK. Jackie Smith and Jackie Wilbur provided their findings. Foth & van Dyke did a similar assessment with similar findings. Environmental recommends closing - Foth & Van Dyke did not feel issue warranted closing - Discussion of DILHR for 3rd party review.
2. Financial status of ORTEK - Foth and Van Dyke has provided a letter for their getting out of the joint venture.

Jackie Smith - list of requirements. Jackie Smith said that Chemical Waste Management is retesting for identification of samples. Concern for items "dumped" and "sewered."

Marcie and Wayne spoke with Chemical Waste Management on items being dumped. Jackie Smith - Chose Waste Management, had problems with identification of chemicals. Inventory of our 6000 samples.

Deborah Doxtator - Why was accumulation of waste since 1989 to present. Staff not sure.

Loretta Webster - Believed recommendation were being followed. DNR, Department of Navy.

Marcia - June of 1991 started at ORTEK. Jackie Wilbur questioned Marcia, with all her training and experience & her work ethics why she did not report these problems. Marcia said that this was reported to David Powless.

Loretta Webster - Key staff has been aware of problems for some time. Was reported to key management and assumed recommendations were followed.

OEI did not understand the extent of the problems.

ORTEK was working with other Waste contractors for removal of the waste.

Deborah Doxtator received memo from Wayne & Marcia that they were in compliance. From appearance of report it seemed as if ORTEK was in compliance.

Wayne Skenandore - EPA good faith effort with plan in place and they were in compliance.

Loretta Webster - stated they take everything very seriously and attempting to be in compliance with Hazard Waste and Fire Safety. Even though Foth & Van Dyke supported Jackie Smith and Jackie Wilbur assessment they did not believe it was grounds to close. Different intensity and perspective on critical issues.

Loretta Metoxen - Intensity bears on compliance with EPA regulations. An in-depth review needs to be made on comparison to keep ORTEK open or to close.

WORST CASE SCENARIO: \$250,000 day fine for non compliance of EPA regulations on disposal of Hazardous Waste.

DILHR will be establishing guidelines. Not sure when PCB will be removed. Documentation that wastes have not been removed since 1989.

BEN LAIRD: Liability under RECRA and will pose a serious liability to Tribe. Believes if there is an aggressive plan to be in compliance. These are issues where conditions placing employees in jeopardy. Foth & Van Dyke did not believe it was. Believes it would be unlikely to have fine by EPA.

DILHR Provides T.A. - EPA fines are the hammer and provides compliance.

Julie Barton concern for employees. Negligence in storage of waste on Mason Street building. Condition of building at Mason Street. Concern for potential tragedy.

Wayne Skenandore - No disagreement with problem and they are trying to move into compliance.

Francis: Potential liability to Tribe - OEI has contacted EPA and DNR for technical assistance and this will help mitigate future fines.

Glenn: the part of building where students were located are separated from storage of chemicals.

Rick: "General sense that Marcia did her job, but responsibility and recommendation was not followed. Tribe cannot have a major incident. No one was

following up to see if work was being handled and why Marcia's recommendations were being ignored.

Wayne Skenandore: Other priorities and business decision were probably an influence as to why action was not taken care of, and would like to get this resolved ASAP. Business fact is they have no money to do any corrective action.

Rick Hill - It is important to take care of Safety issues over concern for business.

Glenn: Marcie has only been in charge for a few weeks - She brought this to CEO and provide costs for removal. Submitted high removal cost. She was to look up reports. Reported memos and meetings where this was discussed and should have been reported to OSHA - Estimated cost was \$80,000, will cost about \$30,000.

Mark Powless: Question on why they waited so long - Why didn't they do something - Why do people wait until it is in a crisis stage before action takes place.

Ray S: Believes this would be in process now as they had proposals to remove the wastes.

Deborah Doxtator: We have reports to Business Committee stating they wastes are being handled properly since inception.

Ray: They, present staff, have been provided incorrect direction and left to absorb the problems.

Wayne Skenandore: They were hired under the wrong assumption.

Loretta Webster shared letter from Foth & Van Dyke about supporting ORTEK.

ORTEK - Response to concerns:

1. West Mason
 - A. All waste removed today
 - B. PCB - 60 to 90 days
2. No current removal of Dioxens as no one will take it - Transport to Western Avenue and store until there is technology to destroy.

Ordered and received containment for solvent wastes.

RESPONSE:

2. Solvent waste contract - Hazardous waste in process.

Julie Barton report to GTC and Business Committee that hazardous waste would not be handled - the statement "One with the Earth" was mis represented.

Glen: the only way they can do business is to accept waste and for a good plan to dispose of hazardous wastes.

Rick Hill: What was reported and what was reality were two different things.

Loretta Webster - Communication barrier was eliminated when there were more meetings with senior staff. Did not realize they were obtaining wrong

information. They were kept in the dark about this business (Mushroom syndrome).

John: Concern that this thing was going wrong was not being addressed.

Lee Ninham: Had a tour of facility and was shown safety issues and that waste were being properly handled and disposed.

Lee McLester: Not aware of problems.

RESOLUTION:

1. Environmental Issues
Recommendations:
 1. Close
 2. Open with monitoring/assessment of environment/mediation
2. Financial Status
 1. Foth & Van Dyke letter - partnership - Inkind
 2. Tribe finance
 3. How long
 4. Monitoring

TIME LINE

1. DILHR - 3rd party review
2. Remediation on Mason - Has started on Mason
 - A. Soil samples/floor drains - Phase II
 - B. Cleaning of hands

FINANCIAL STATUS:

1. Foth & Van Dyke letter - 50/50 asset/debt
2. Foth & Van Dyke - Tuesday, close down
3. OEI/Tribe - Dissolution 50/50
4. Tribe (action no cash infusion - closing)
5. Today - foth & Van Dyke Partnership T/A - In Kind
6. Partnership - Share in fines and liability 52/48

Need analysis on cost to close vs. cost to remain open.

ORTEK needs infusion of cash to remain open.

Steven Van Dyke - Interest is the business. he has staff and Technical resources to evaluate the staff of ORTEK, analyze financial loss of ORTEK.

Concern over \$80,000 over budget in ORTEK General Administration and over \$750,000 in accounts receivables. Concern that OEI was going to handle and take care of the accounts receivable accounts. OEI needs legal assistance in collecting debts.

Ben recommend each partner share costs and then contract out services.

Question on interest subsidy to Bureau of Indian Affairs Guarantee loan. Bruce will research.

Ben believes that the liability will be about \$1.8 million.

Art: Liquidation of assets
Need inventory
Environmental issues
Window to monitor ORTEK - 120 days

Business in big trouble, management and environmentally

Weekly cost to operate.

Request joint meeting with Foth & Van Dyke.

Use Foth & Van Dyke collection process for collection of accounts receivables.

Foth & Van dyke bring TA for management.

Need \$30,000 a week to operate.

Need to review future debt land of the Tribe, school building, administration building, industrial park infrastructure, hotel, new casino, etc.

30 day - 1 month; 90 day - 3 months; 120 day- 4 months operation

EVALUATION

Plan

Tribe - 90 days look at 90 day with 30 day strict evaluation.

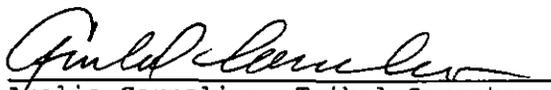
Foth & Van Dyke - Management team - Collection

Rick will meet with Steve Van Dyke today.

Need to develop restrictions on any loan to OEI - Evaluation to be done every 30 days - Comments to include OEI pulling support for David Powless transfer to Bureau of Indian Affairs.

Joint meeting on Monday, October 12, 1992 with Steven Van Dyke.

Submitted by,


Amelia Cornelius, Tribal Secretary
Oneida Business Committee